

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: NATIONAL FOOTBALL
LEAGUE PLAYERS' CONCUSSION
INJURY LITIGATION

No. 2:12-md-02323-AB

MDL No. 2323

Hon. Anita B. Brody

Kevin Turner and Shawn Wooden,
*on behalf of themselves and
others similarly situated,*

Civ. Action No. 14-00029-AB

Plaintiffs

v.

National Football League and
NFL Properties LLC,
successor-in-interest to
NFL Properties, Inc.,

Defendants.

THIS DOCUMENT RELATES TO:
ALL ACTIONS

**JOINDER OF LANGFITT PLLC TO IN THE MOTION OF THE NFL PARTIES AND
CLASS COUNSEL TO APPROVE MODIFICATIONS TO THE NFL CONCUSSION
SETTLEMENT AGREEMENT PURSUANT TO SECTION 6.6.**

LANGFITT PLLC joins the Motion of the NFL Parties and Class Counsel to Approve Modifications to the NFL Concussion Settlement Agreement pursuant to Section 6.6 (hereinafter the "Norming Settlement"), *ECF Doc. # 11567*. The undersigned appreciates the Court's leadership in this process, particularly the decision to include the Intervenor as part of the mediation, as that decision was instrumental to the Parties' ability to achieve the Norming Settlement.

The undersigned represents and has represented hundreds of class members in the NFL Concussion Settlement, many of whom have obtained awards. Those who have obtained awards and those who have not have been subjected adversely by the race-norming used within the Settlement Agreement since inception. The undersigned supports the Norming Settlement, because the proposed revisions to the Settlement Agreement will forever bar the use of illegal race-norming from the Settlement Agreement and will bring the greatest good to the greatest number. Many players who did not receive benefits will now be eligible for significant awards due to the good faith negotiations conducted by Intervenor, Class Counsel, and the NFL under the careful guidance of Magistrate Judge Strawbridge and Special Master Hoffman.

The undersigned respectfully suggests that the Court consider one modification to § 2.6 (f) of the Norming Settlement, the single sentence “The Special Masters shall exercise the equitable power of the Court when guiding the Claims Administrator on whether the ‘good cause’ standard has been met”. In pertinent part, § 2.6(f) states:

“...if a Retired Player has died and cannot now be retested, a Special AAP Panel will determine if the Retired Player’s rescored test results and Settlement Claim file meets the criteria for a new or more severe Qualifying Diagnosis, on application by the Retired Player and/or his Representative Claimant. The Claims Administrator, with guidance from the Special Masters as necessary, will determine whether the ‘good cause’ standard has been met.”

The undersigned respectfully requests that the Court add the proposed sentence at the end of the foregoing paragraph, because Players who have died and cannot be retested are of special concern and not like any other Retired Player. Race norms often lulled players into a false sense that they did not qualify and there was nothing more to be done. When the player died one or more years later, their ability to recover, follow up, or obtain a greater diagnosis or award was forever foreclosed. Respectfully, expressly providing that the Special Masters will have the discretion to use the equitable power of the Court under these unusual circumstances will allow

the Special Masters to address the special circumstances in an effective and fair way.

For the foregoing reasons, Langfitt PLLC respectfully joins the Motion of the NFL Parties and Class Counsel to Approve Modifications to the NFL Concussion Settlement Agreement.

Dated: January 25, 2022

Respectfully submitted,

/s/ David D. Langfitt

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CERTIFICATE OF SERVICE

I hereby certify that I caused the foregoing Joinder to be served via the Electronic Case Filing (ECF) system in the United States District Court for the Eastern District of Pennsylvania, on all parties registered for CM/ECF in the litigation.

/s/ David D. Langfitt

David D. Langfitt

Dated: January 25, 2022